

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
COUNTY OF NEWPORT**

At a meeting of the Town Council of the Town of Tiverton, County and State aforesaid, held at the Tiverton Town Hall, 343 Highland Road, on the 27th day of July 2009 A.D. at 7:00 p.m.

President Bollin opened the meeting with the Pledge of Allegiance to the Flag.

<b>Roll Call:</b>	<b>Donald Bollin-President</b>	<b>Jay Lambert</b>
	<b>JoAnne Arruda-Vice President-Absent</b>	<b>Cecil E. Leonard</b>
	<b>Hannibal Costa</b>	<b>Edward Roderick</b>
	<b>Louise Durfee-Absent</b>	

Town Administrator, James C. Goncalo  
Town Solicitor, Andrew M. Teitz were also present.

**Approval of Consent Agenda:**

All items listed with (CA) are to be considered routine by the Town Council and will be enacted by one motion. There will be no separate discussion of these items unless a member of the Council or a member of the public so requests, in which event the item will be removed from Consent Agenda (CA) consideration and considered in its normal sequence on the agenda.

Council President Bollin read the items on the Consent Agenda.

Councilor Leonard made a motion, seconded by Councilor Roderick to approve the items on the Consent Agenda. Motion passed unanimously.

The Consent Agenda was as follows:

**CONSENT AGENDA**

**A-1-Approval of Minutes of Previous Meetings:**

- a. Approval of Minutes from Regular Council Meeting July 13, 2009, Councilor Bollin Abstained - Absent
- b. Approval of Executive Session Minutes from July 13, 2009, Councilor Bollin Abstained - Absent

**A-2-Receipt of Minutes from Various Board and Commissions:**

- |                                   |                                    |
|-----------------------------------|------------------------------------|
| a. Zoning Board of Review         | d. Economic Development Commission |
| b. Conservation Commission        | e. Planning Board (3)              |
| c. Historical Cemetery Commission | f. Cemetery Commission             |

**A-3-Correspondence:**

- a. Received Neighborhood Petition Regarding Lots 24-3 and 24-4 Railroad Avenue-Referred to Town Administrator and Town Solicitor
- b. Received From RI Statewide Coalition – Invitation to Seventh Annual Meeting
- c. Received From Virginia Butterworth Regarding Remarks of Last Council Meeting
- d. Received From Joanne Rodgers Requesting Two Stop Signs on Corners of Church and Hooper – Referred to Chief Blakey and S. Berlucchi, DPW Director

**A-4-Approval of Tax Assessor Abatements**

**A-5-Distribution of Town Treasurer Reports**

- a. Draft of 6/30/09 Treasurer's Report
- b. Annual Municipal & School Auditor General Approval 7/15/09
- c. Parmelee, Poirier & Associates, LLP Engagement Letter
- d. Analysis of Outstanding School Debt

**A-6-T/A –WWM -J Lincourt – Request Authorization For T/Adm to Prepare Documents and Submit Paperwork To Apply For \$300,000 in Financing From RI Clean Water Finance Agency in Connection With the Community Septic System Loan Program**

## **BUSINESS BROUGHT BEFORE THE COUNCIL**

The Town Council was sitting as the Board of Licensing Commissioners:

### **BOARD OF LICENSING COMMISSIONERS AND PUBLIC HEARINGS:**

1. Fuel Circle, Inc., 1837 Main Road – Requests Approval Subject to Meeting All Legal Requirements Effective August 1, 2009

a. Holiday License    b. Petroleum Storage

Councilor Roderick made a motion, to approve a Holiday License and a Petroleum Storage License, subject to meeting all legal requirements, to Fuel Circle, Inc., 1837 Main Road effective August 1, 2009. Motion passed unanimously.

### **UNFINISHED BUSINESS:**

#### **Chris Spencer, Town Planner – Request Public Hearing on Proposed Zoning Changes Continued From July 13<sup>th</sup> Meeting**

##### **a. Report From Town Planner, Christopher Spencer**

Chris Spencer, Town Planner, on a request for a Public Hearing on Proposed Zoning Changes, continued from the July 13<sup>th</sup> meeting presented a response to a request by Councilor Costa regarding a Zoning Advisory Committee. The Planning Board already has an advisory subcommittee, which Mr. Spencer recommends along with having the Town Solicitor on the Board. Mr. Spencer also recommends having charrettes or workshops prior to setting the date for the Public Hearing. Councilor Leonard noted at the last Council Meeting was opposed to an extra committee. Mr. Spencer noted this Zoning Advisory Committee is already set up. This committee reports to the Planning Board, which in turn reports to the Council. Solicitor Teitz still preferred the larger committee he previously proposed, important to have Council representation, committee should be more inclusive, needs to be sustainable in Court. Councilor Costa agreed with Mr. Spencer, more difficult for a larger committee to meet. President Bollin and Councilor Roderick also agreed with Mr. Spencer.

President Bollin took issue with setting a date for the Public Hearing. Council needs documentation for the Public Hearing, premature to set a date without documentation; Solicitor needs to review the document as well as needing 21 days for advertising. The Solicitor and Planning Board would need the documents in early August for a September hearing, Solicitor holding time for a meeting with the Planning Board on August 4<sup>th</sup>. Will come back before Council for setting of Public Hearing.

Councilor Costa made a motion to adopt the Town Planner's recommendation for structure of a Zoning Advisory Committee which would include the Town Planner, Administrative Officer, Planning Board Chair, 2 Members of the Planning Board, the Zoning Officer, the Planning Board Attorney and the Town Solicitor. Seconded by Councilor Leonard motion passed unanimously.

#### **Councilor Leonard – Evaluation Process for Town Administrator Per Town Charter Section 407 Paragraph 5, Continued From July 13<sup>th</sup> Meeting**

Town Clerk Nancy L. Mello received two additional proposed questions to the evaluation form, however the Town Administrator did not have enough opportunity to review the form.

Councilor Leonard made a motion, seconded by Councilor Costa to continue the Evaluation Process for the Town Administrator to the next meeting, August 11, 2009. Motion passed unanimously.

#### **Councilor Leonard – Discuss Meeting With Executive Director of Rhode Island League of Cities & Towns Regarding Action for General Assembly**

Councilor Leonard discussed inviting Dan Beardsley, Executive Director of Rhode Island League of Cities & Towns, to the workshop August 31<sup>st</sup>. The General Assembly hasn't displayed any initiatives in addressing the problems of the State, could talk exclusively to Mr. Beardsley. Thanks to our State Representative who do what they can for the Town.

Councilor Leonard made a motion, seconded by Councilor Lambert to invite Dan Beardsley to the Workshop on August 31, 2009. Motion passed unanimously.

**State Representative Jay Edwards – Council Approval on Selection of Seal for Concrete Abutment to New Sakonnet River Bridge**

State Representative Jay Edwards appeared before the Council for Selection of a Seal for a Concrete Abutment on the New Sakonnet River Bridge. He presented copies of the official Town Seal and the modified Shield portion. Representative Edwards recommends the shield which could be water cut and much more visible, won't see any detail on the etched. Portsmouth is also using a single shield. Need a decision, preferably tonight. The seal would be backlit; all that would be seen would be the dark outline not the detail.

Councilor Leonard made a motion, seconded by Councilor Lambert to approve the official town seal. Motion failed 2-3, Councilors Roderick, Bollin and Costa opposed.

Councilor Roderick made a motion, seconded by Councilor Costa to approve shield. Motion passed on a vote of 3-2, Councilors Lambert and Leonard opposed.

**C. Spencer, Town Planner – Status Report on Main Road Parking**

Chris Spencer, provided DOT, based on road width, with a plan for parking on Main Road. DPW Director Steve Berlucchi, Police Chief Thomas Blakey and Mr. Spencer met with DOT to discuss parking. Received a response on July 27, 2009 from DOT which proposes 140 parking spaces, 300 less than initially requested by Town Planner. Spencer suggests DOT's proposals of 12' driving lanes are typical of a highway. Will be asking the State to take another look, need more flexibility in the North end, which the DOT only allocates three spaces. Working with DPW and Chief Blakey. Mr. Spencer handed the Council his response to the DOT proposal. President Bollin noted the Council had previously agreed parking was whatever would be approved. Agreed Mr. Spencer knew how to proceed.

Town Clerk noted she had received calls about the parking issue. President Bollin noted that's why the agenda is posted so the public can comment if necessary. Chief Blakey met with RIDOT; his concern was public safety and not creating hazards. President Bollin noted the Chief and DPW Director would be working on deciding what was safe and would be more than 140 but less than 400 parking spaces.

**BIDS & REQUESTS FOR PROPOSALS:**

**Town Administrator – Request Award of Bid for Auditing Services**

T/A Goncalo requested the award of the Bid for Auditing Services to Parmelee, Poirier and Associates, LLP. Treasurer DiMattia submitted a change to the engagement letter for page 9. President Bollin noted the term stated net 15, billable and payable starting August 1, 2009, total stays the same.

Councilor Leonard made a motion, seconded by Councilor Lambert to accept the revised letter.

President Bollin noted the Engagement Letter was accepted as part of the Consent Agenda and should have been brought up at that time. Solicitor Teitz also noted this was accepted as just a letter.

Councilor Costa questioned net 15, customarily net 30. Treasurer replied this gives 15 days to pay. President Bollin noted there was already a schedule there, don't need 15 days.

Councilor Leonard made a motion to accept the change to the Engagement Letter in the Consent Agenda (page 9). Seconded by Councilor Lambert motion passed unanimously.

T/A Goncalo again requested the award of the Bid for the Annual Audit for three (3) years to Parmelee, Poirier and Associates, LLP.

Councilor Roderick made a motion, to award the bid to Parmelee, Poirier and Associates, subject to review by the Town Solicitor. Councilor Leonard, as a point of order, questioned why the Solicitor would have to review something already approved by the Auditor General. President Bollin noted the Auditor General does not review the Contract, just the proposal. T/A Goncalo noted at this point we could only award the bid to Parmelee, Poirier and Associates. Motion was seconded by Councilor Lambert motion and passed unanimously.

Council President Bollin recused himself from the award of the Sewer Construction Contract for Canonicus Street and left the Council table at this time. The Town Clerk conducted the election for Acting Council President, as the Council Vice-President was absent.

Councilor Costa nominated Councilor Roderick to be Acting Council President, Councilor Lambert seconded the nomination. The Town Clerk cast one vote for Councilor Roderick to act as Council President.

**WWManagement – Request Award of Sewer Construction Contract for Canonicus Street to Hugo Key & Son for Total Project Cost of \$85,470**

Councilor Leonard made a motion, seconded by Councilor Lambert to award the Sewer Construction Contract for Canonicus Street to Hugo Key & Son, subject to meeting all legal requirements. Motion passed unanimously. Town Administrator advised funds are not yet available from grant. Paperwork still needs to be put together.

Council President Bollin returned to the Council table.

**Town Clerk – Request Council Approval for Purchase of Map Cabinets Utilizing Current Land Evidence System Provider as Low Cost Proposal**

Town Clerk, Nancy Mello requested approval for Purchase of Map Cabinets from ACS. Maps in the vault are currently being digitized and upon return need to be placed in special plastic envelopes for storage and preservation. Have received quotes from two qualified vendors. The Map Cabinet is approximately 4 feet tall and would store 2-4 maps per envelope at a cost of \$4,417.50. Depending on vault space will go the cheapest route. Will need to purchase as many as funds and vault area allows.

Councilor Leonard made a motion, seconded by Councilor Roderick to authorize the purchase of Map Cabinets from ACS, subject to meeting all legal requirements. Motion passed unanimously

**TOWN ADMINISTRATOR ANNOUNCEMENTS, COMMENTS AND QUESTIONS**

1. Recently received the three year Landfill License, good until December 12,2011.
2. Received an email thanking Chief Lloyd and the Tiverton Fire Dept. for their assistance with a house fire in Westport, MA.
3. Document available for review for advertising the Administrative Assistant position, currently filled by temporary staffing.
4. Open Space received \$5,000 for Blair House, 50/50 grant; Town will provide in kind services, entrance to Weetamoe Woods.
5. Received \$5,483, Elderly Affairs grant for an assistant.
6. Draft copy of the \$250,000 paving program to be reviewed with Town Solicitor.
7. Tax Collections as of 7/22 compared to last year down 1.26% or \$131,000.

**COUNCIL ANNOUNCEMENTS, COMMENTS AND QUESTIONS:**

Councilor Leonard announced South Coast Artists Association had their first open studio tour on July 18 & 19. Another tour is scheduled for August 22 and 23<sup>rd</sup>.

T/A Goncalo thanked the Arts Council for the wall protection system just received. To be used to hang artwork saves walls.

President Bollin questioned Director Berlucchi regarding the time of the Recycling pick up which occurs in the morning, trash is picked up in the afternoon. This is in relation to No Bin/No Barrel program. Need to discuss this with the trash hauler, on a windy day recycling bins are blown all over the place, needs to be worked through.

### **CLOSED EXECUTIVE SESSION**

#### **1. Town Solicitor - Litigation – 42-46-5(a) (2)**

#### **2. Town Administrator – 42-46-5(a)(2) – Collective Bargaining - Teamsters, IAFF and IBPO**

#### **3. Town Administrator – 42-46-5(a)(6) – Prospective Business or Industry**

Councilor Roderick made a motion, seconded by Councilor Leonard to enter into Executive Session pursuant to 42-46-5(a)(2)-Litigation. Motion passed unanimously.

Councilor Roderick made a motion, seconded by Councilor Leonard to remain in Executive Session pursuant to 42-46-5(a)(2)-Collective Bargaining-Teamsters, IAFF and IBPO. Motion passed unanimously.

Councilor Roderick made a motion, seconded by Councilor Leonard to further remain in Executive Session pursuant to 42-46-5(a)(6)-Prospective Business or Industry. Motion passed unanimously.

The Council entered into Executive Session at approximately 8:08 p.m.

The Council returned to Open Session at approximately 10:15p.m.

### **OPEN SESSION:**

Council President Bollin announced action was taken regarding addendum to memorandum of understanding in reference to Corvello vs New England Gas. Vote was 3-2 in favor of accepting addendum with Councilors Leonard and Costa opposed.

Action was also taken to add an item to Executive Session pursuant to 42-46-5(a)(5)-Acquisition or Disposition of Town Held Property. Councilor Roderick motioned, seconded by Councilor Leonard. Motion passed unanimously. For information only.

Councilor Roderick motioned to seal the minutes of Executive Session, seconded by Councilor Leonard. Motion passed unanimously.

### **ADJOURNMENT:**

Councilor Roderick made a motion, seconded by Councilor Leonard to adjourn. The motion passed unanimously.

The meeting adjourned at approximately 10:15 p.m.

A True Copy. ATTEST: \_\_\_\_\_ Nancy L. Mello, Town Clerk